

California Victim Compensation and Government Claims Board

Open Meeting Minutes

August 23, 2007, Board Meeting

The California Victim Compensation and Government Claims Board (Board) convened its meeting in open session at the call of the Chair, Rosario Marin, Secretary, State and Consumer Services Agency, at 400 R Street, Sacramento, California, on Thursday, August 23, 2007, at 10:01 a.m. Also present were Board members Les Kleinberg, Deputy Controller, acting for and in the absence of John Chiang, Controller; and Michael Ramos, San Bernardino County District Attorney.

Board staff present included Karen McGagin, Executive Officer; Tom O'Connor, Chief Deputy Executive Officer; and Garry Ness, Chief Counsel. Tisha Heard, Board Liaison, recorded the meeting.

The Board meeting commenced with the Pledge of Allegiance.

Item 1. Minutes June 19, 2007, Board Meeting

The Board voted to adopt the minutes of the June 19, 2007, Board meeting.

Item 2. Public Comment

The Board opened the meeting for public comment.

Michael Siegel, attorney, provided public comment.

Item 3. Executive Officer's Statement

The Executive Officer's report included the following:

- Board Member Michael Ramos was presented with the Morton Bard Allied Professional Award in recognition of his service to victims of crime at the National Organization for Victim Assistance conference. The national award is given to people who are allies to victim assistance and provide extraordinary service to victims of crime. Board staff attended the conference.
- Staff continues to monitor the federal budget process in regard to funding for the Federal Victims of Crime Act (VOCA). In July the House by a vote of 395-34 adopted the Poe/Costa/Moore amendment to the Commerce, Justice and Science appropriations bill which could increase the VOCA cap from \$625 million to \$635 million.
- CaRES was rolled out to the City of Los Angeles and Los Angeles and Santa Clara Counties in July.
- VCGCB managers Terri Hamilton, Sara Murillo, and Afzal Rashid graduated from the Government Executive Program at Sacramento State College of Continuing Education.
- Terri Hamilton has been appointed Deputy Executive Officer of the Fiscal Services Division.
- Frances Chacon, Deputy Executive Officer, Legislation and Public Affairs Division, accepted a position in the private sector.
- VCGCB will place a two- page information advertisement in the yellow pages of the Spanish language telephone directory "Seccion Amarilla" in six regions including Fresno, Sacramento, San Jose, Stockton/Modesto, Los Angeles, and San Francisco/Oakland.
- VCGCB published a job aid card explaining the benefits offered by the VCGCB for law enforcement personnel to provide to victims of crime.

Item 4. Contract Report

The Executive Officer presented the contract report to the Board.

The Board voted to approve the contracts with the Department of Corrections and Rehabilitation.

Item 5. Legislative Report

The Chief Deputy Executive Officer presented the legislative report to the Board.

Item 6. Report on Court Decision

Tennison v. VCGCB, 152 Cal. App. 4th 1164

The Chief Counsel reported that due to pending litigation, the court decision would be discussed in closed session.

Government Claims Program

Item 7. Consent Agenda (Nos. 1- 675)

The Board voted to adopt the staff recommendations for numbers 1-675 with the exception of numbers 41, 194, 204, 216, and 307.

John Dorwin appeared on behalf of Nancy Herz, item number 307. Jeremy Thomas appeared on behalf of the Department of Transportation.

The Board voted to continue item 307 to the September 25, 2007, Board meeting.

Item 8. Riverside County Sheriff's Department **G566229, G566230, G566231, and G566232**

G566227,

Donna Corbin appeared on behalf of the Department of Corrections and Rehabilitation.

The Board voted to adopt the staff recommendation to allow the claims in the total amount of \$6,481.35 to be paid pursuant to Government Code section 13928 (legislative pay).

Item 9. Trinity County Sheriff's Department

G566727

Donna Corbin appeared on behalf of the Department of Corrections and Rehabilitation.

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$570.77 to be paid under authority of Government Code section 13928 (legislative pay).

Item 10. Stanislaus County Sheriff's Department **G563936, and G564050**

G563859,

Donna Corbin appeared on behalf of the Department of Corrections and Rehabilitation.

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$12,101.55 to be paid pursuant to Government Code section 13928 (legislative pay).

Item 11. El Dorado County Sheriff's Department

G565185 and G565186

Donna Corbin appeared on behalf of the Department of Corrections and Rehabilitation.

The Board voted to allow the claims in the total amount of \$3,813.42 to be paid pursuant to Government Code section 965 (agency pay).

Item 12. Riverside County Sheriff's Department **G566214,**
G566216-G566226, and G566233-G566234

Donna Corbin appeared on behalf of the Department of Corrections and Rehabilitation.

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$23,047.61 to be paid pursuant to Government Code section 13928 (legislative pay).

Item 13. Cal Poly Pomona Foundation, Inc. **G562449**

Andy Ableman appeared on behalf of Cal Poly Pomona Foundation, Inc.

Donna Corbin appeared on behalf of the Department of Corrections and Rehabilitation.

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$6,062.08 to be paid pursuant to Government Code section 965 (agency pay).

Item 14. Cal Poly Pomona Foundation, Inc. **G562450**

Andy Ableman appeared on behalf of Cal Poly Pomona Foundation, Inc.

Donna Corbin appeared on behalf of the Department of Corrections and Rehabilitation.

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$134.62 to be paid pursuant to Government Code section 965 (agency pay).

Item 15. Cal Poly Pomona Foundation, Inc. **G563598**

Andy Ableman appeared on behalf of Cal Poly Pomona Foundation, Inc.

Donna Corbin appeared on behalf of the Department of Corrections and Rehabilitation.

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$14,868.42, to be paid pursuant to government Code section 965 (agency pay).

Item 16. Stead Backflow Prevention Services, Inc. **G563701**

Betty Amrine, Principal, Stead Backflow Prevention Services, Inc., appeared and distributed a receipt as evidence to the Board.

Nellie Alamazon and Carolyn Stewart appeared on behalf of the Department of Transportation.

The Board voted to reject the claim.

Following the vote, Chairperson Marin excused herself from the meeting. Happy Chastain, Deputy Secretary, acted on behalf of Chairperson Marin.

Item 17. GovStor **G566817**

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$108,078.61, to be paid pursuant to Government code section 965 (agency pay).

Item 18. Constitutional Rights Foundation

G567220

The Board voted to adopt the staff recommendation to allow the claim in the total amount of \$133,798.00, to be paid pursuant to Government code section 965 (agency pay).

Item 19. Sakun S. Ankhasirisan

G559412

Chris Codioli appeared on behalf of Sakun S. Ankhasirisan.

Linda Walker and Jody Jones appeared on behalf of the Department of Personnel Administration.

The Board voted to allow the claim in an amount to be amended by the Department of Personnel Administration to reflect reimbursement for Sakun S. Ankhasirisan's husband and son.

Item 20. James Kiswardy

G561213

Donna Corbin appeared on behalf of the Department of Corrections and Rehabilitation.

The Board voted to allow the claim based on the higher figure pending verification of the dollar amount by the Department of Personnel Administration.

Item 21. Matthew Scharper

G566404

The Board voted to allow the claim in the total amount of \$255.00 under authority of Government Code section 965 (agency pay).

Item 22. Richard Fong

G558284

The Board voted to allow the claim in the total amount of \$109.96 under authority of Government Code section 13928 (legislative pay).

Item 23. Janice Powell-Fitchett

G560696

Donna Corbin appeared on behalf of the Department of Corrections and Rehabilitation.

The Board voted to allow the claim in the total amount of \$1,300.00 to be paid under authority of Government Code section 965 (agency pay).

Item 24. Ricky Donny Simuel

G561377

This claim was continued to the September 25, 2007, meeting.

Item 25. Request for Delegation of Authority Under Government Code section 935.6 by the Department of Corrections and Rehabilitation

The Board voted to adopt the staff recommendation.

Item 26. Request for Approval of Government Claim Pilot Program with the California Highway Patrol

The Board voted to adopt the staff recommendation with the understanding that the California Highway Patrol not pursue SB 128.

Item 27. Resolution Defining the Powers and Duties of the Executive Officer Including Government claim Pilot Program

The Board voted to adopt the staff recommendation.

Item 28. Protests of Sacramento Flow Control, Inc.
Invitation for Bid No. CCI116SF1002-RB
Invitation for Bid No. ISP266SF1M002-KK

John W. Ralls, attorney, Thelen Reid Brown Raysman & Steiner, appeared on behalf of Sacramento Flow Control, Inc.

Kirk Miles, attorney, The Webb Law Firm, appeared on behalf of ICON Systems.

Danni Lam appeared on behalf of the Department of Corrections and Rehabilitation.

Randy Valenzano appeared on behalf of Sacramento Flow Control, Inc.

The Board voted to deny the protests.

Victim Compensation Program

The Board commenced the Victim Compensation Program portion of the meeting at 12:17 p.m.

Recommendation for Reversal of Precedent Decision 04-04 Under California Code of Regulations, title 2, section 619.7(e)

Michael Siegel provided public comment.

The Board voted to adopt the staff recommendation.

Victim Compensation Program
FY Year End Report

Laura Hill, Deputy Executive Officer, Victim Compensation Program, presented the Victim Compensation Report FY Year End Report to the Board.

Laura Hill reported that a more detailed report will be provided to the Board at the September 25, 2007, Board meeting.

CaRES Update

Linda Adams, Chief Information Officer, and Laura Hill, Deputy Executive Officer, Victim Compensation Program, provided an update to the Board.

Michael Siegel provided public comment.

Consent Agenda (Nos. 1- 9)

The Board voted to adopt the staff recommendations.

Requests for Reconsideration

Recommendations: Deny (Nos. 10-42)

The Board voted to adopt the staff recommendations for numbers 10 through 42 with the exception of numbers 25, 26, and 42, which were pulled due to the action taken by the Board to rescind Precedent Decision 04-04.

Reconsiderations Following Board Action on a Proposed Decision

Recommendations: Deny (Nos. 43-47)

The Board voted to adopt the staff recommendations for numbers 43 through 47 with the exception of number 46 which was pulled for further review by the hearing officer.

**Proposed Decisions Following Failure to Respond
(Nos. 48- 95)**

The Board voted to adopt the proposed decisions.

**Proposed Decisions Following Failure to Appear
(Nos. 96- 139)**

The Board voted to adopt the proposed decisions.

Closed Session

Pursuant to Government Code sections 11126 (a), 11126(c)(3), and 11126(e), the Board adjourned into Closed Session with the Board's Executive Officer and Chief Counsel at 12:37 p.m. to deliberate on the proposed decisions, numbers 140-201, and to confer with and receive advice from counsel regarding personnel matters and pending litigation.

The Board reconvened into open session at 12:52 p.m.

Open Session

The Board voted to adopt the proposed decisions for numbers 140-201.

Adjournment

The Board meeting adjourned at 12:53 p.m.

Karen McGagin
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of September 25, 2007, at Sacramento, California.

Date: September 25, 2007

By: _____

Board Liaison

(Affix Seal here)